

February 28, 2003

STATEMENT OF FINDINGS

To Interested Agencies, Environmental Groups and Individuals:

This Statement of Findings (SOF) finalizes the U.S. Environmental Protection Agency's (EPA) Environmental Assessment (EA) process conducted in accordance with the requirements of the National Environmental Policy Act on Federal actions, and of the Coastal Wetlands Planning, Protection and Restoration Act procedures for Timbalier Island Dune and Marsh Creation Project (TE-40/XTE-45a). On the basis of the EA, EPA has made a preliminary finding that the proposed project will not result in a significant adverse impact to the environment and that an Environmental Impact Statement is not warranted. The SOF addresses the concerns raised by the U.S. Department of the Interior, Fish and Wildlife Service (FWS) and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS), and amends the EA to incorporate the recommendations of the two agencies.

The preliminary Finding of No Significant Impact (FNSI) was issued for public notice on December 21, 2002, and the 30-day comment period expired on January 21, 2003. Both the NMFS and FWS recommended that the final EA include full-size maps with appropriately sized text in Section 6.0 Maps. NMFS had no objection to the issuance of the FNSI and had no Essential Fish Habitat Conservation recommendations to provide. EPA concurs with their recommendation that juvenile and adult bluefish and juvenile cobia be listed in Section 3.9, Essential Fish Habitat of the EA.

The FWS concurred that the Non-structural Alternative is not likely to adversely impact the brown pelican or piping plover. They recommended that because no nesting populations of piping plovers are found in Louisiana, any reference to nesting piping plovers in the project area shall be omitted. Concerning conducting a survey for nesting colonial waterbirds and the wintering piping plover, FWS indicated that a survey for the wintering piping plover is not recommended or necessary since construction of the proposed project is planned to begin in April or May. They recommended that the paragraph indicating a survey be conducted for the nesting colonial waterbirds be revised to indicate that no construction, maintenance work, or related surveys will be conducted within 1,500 feet of any active waterbird nesting colonies during the nesting season (i.e., mid-February to September, depending on the species present). Prior to any such work, surveys should be conducted by qualified personnel during the colonial waterbird nesting season to identify the presence and location of any such colonies. They also recommend that on-site agency and contract personnel be informed of the need to identify and avoid impacting colonial waterbirds during the nesting season, and that all contracts contain a statement prohibiting work within 1,500 feet of any active nesting colonies. EPA concurs with the FWS recommendations.

In addition, FWS recommended that the comments provided by the Louisiana Gulf Shoreline Restoration Science Advisory Board be included in Section 2.3, Non-structural or Sedimentary Alternative and discussed in Section 2.4, Conclusion. The Advisory Board was charged as follows: “Are you aware of any supporting documentation or field data that would suggest there is a fundamental flaw with the proposed design for the Timbalier Island Dune/Marsh Creation Project whereby refuting the current design in favor of redesign efforts would outweigh the risks and costs associated with potentially subjecting the island to another year of storms?” The Advisory Board position is that this project, TE-40, should move forward and not miss the upcoming critical construction window. This project raises many of the same issues that were elicited by the impacts of Tropical Storm Isidore and Hurricane Lili on the projects TE-20, TE-24, TE-25/30, and TE-27 as it relates to the optimum design template. However, these issues should not delay the construction of the TE-40 project, but must be addressed for future barrier shoreline projects that are in the initial engineering design phase.

Full-size maps with appropriately sized text and a copy of the report prepared by the Advisory Board are included as part of this SOF.

Responsible Official,

Lawrence E. Starfield
Acting Regional Administrator

Attachments